

MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: September 5, 2014
SUBJECT: Informational Item:

ACCESS EASEMENT VACATION for the vacation of a 14-foot public pedestrian and bicycle trail easement located on Naropa University property at 2130 Arapahoe Avenue. The project site is zoned Residential – High 1 (RH-1). Case number LUR2014-00052.

This memorandum constitutes official notice as required by Section 79 of the City of Boulder Charter of a request to vacate a public pedestrian and bicycle trail easement on the property located at 2130 Arapahoe Avenue.

Naropa University is requesting the vacation of a 14-foot public pedestrian and bicycle trail easement running along the western property line of the property located at 2130 Arapahoe Avenue. Refer to Figure 1 for context. The subject easement was originally dedicated to the city in 1989 to accommodate a public bike and pedestrian path to connect the University of Colorado campus to Arapahoe Avenue (shown in red below). The connection was originally envisioned to cross the property along its western property line. The public path was never constructed in the originally approved location and the path connection has since been amended in the Transportation Master Plan (TMP) to be located on the eastern side of the property (shown in green below).

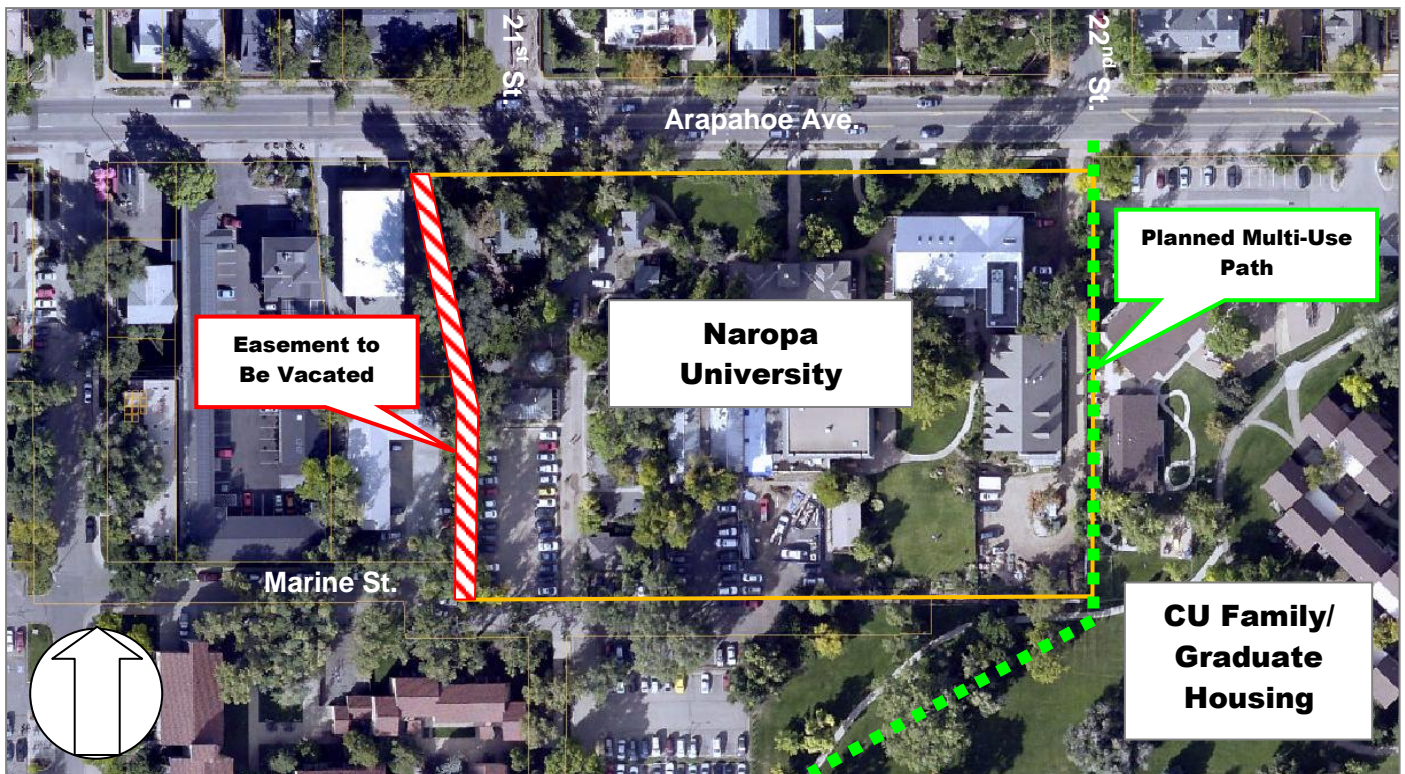


Figure 1: Easement to Be Vacated and Planned Multi-Use Path Connection

Naropa University has signed a Grant of Easement form for a new 14-foot wide pedestrian and bicycle trail easement for the multi-use path, which is being held in escrow by the City Attorney's Office until after an ordinance takes effect vacating the subject easement (see Attachment D). As such, the subject easement is no longer

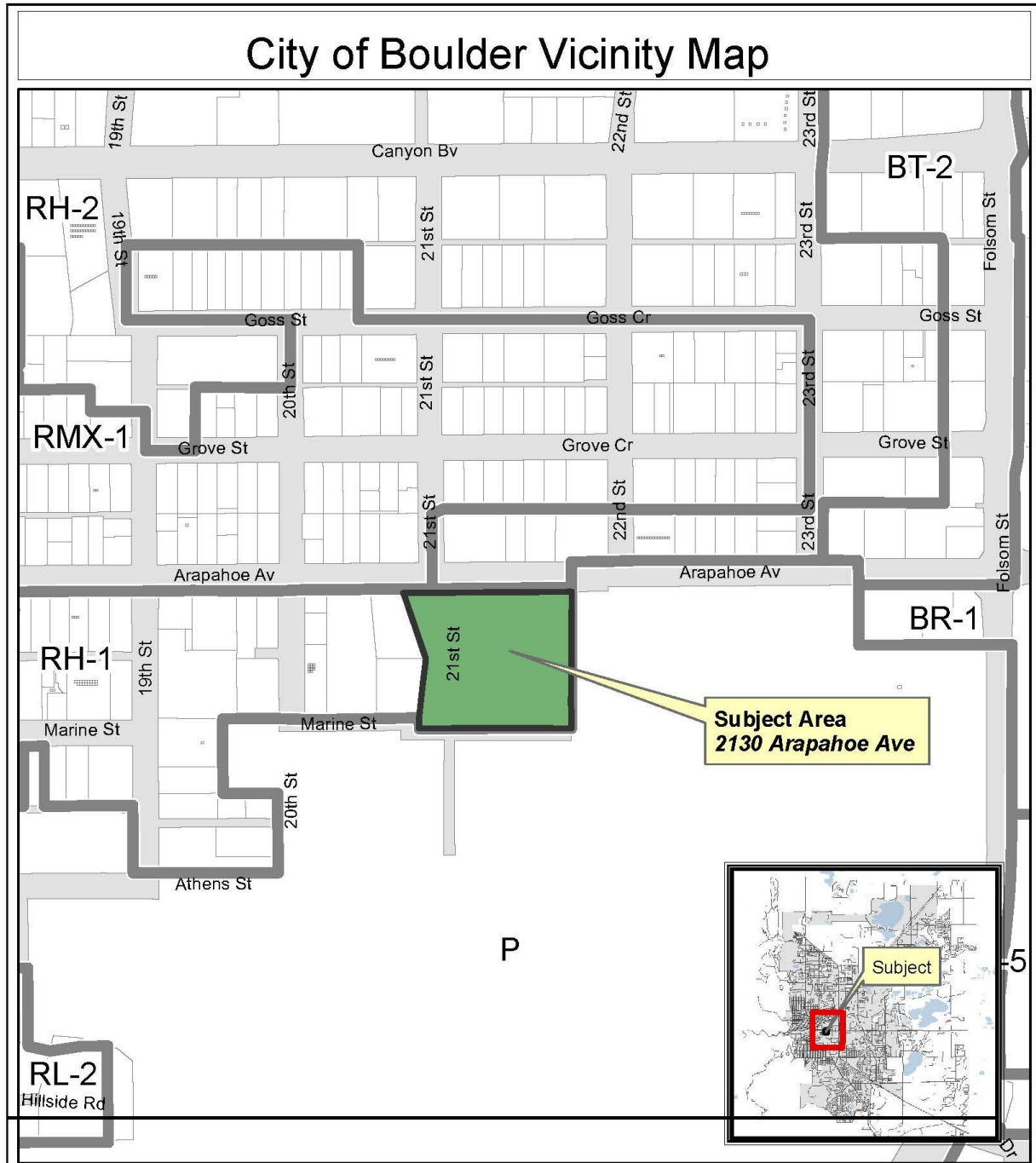
necessary. A multi-use path will continue to be accommodated on the property to connect the University of Colorado campus to Arapahoe Avenue, just in a slightly different configuration. The vacation and rededication of a public easement is necessary to realize the amended location for the connection in the TMP. The Capital Improvements Bond approved by Boulder voters in 2011 is providing funding for the construction of the multi-use path. The city is working with the University of Colorado and Naropa University to coordinate the construction of the path. However, the timing of construction of the path is not known at this time. Please refer to the attachments for more information.

Questions about the vacation or decision should be directed to Sloane Walbert at (303) 441-4231 or walberts@bouldercolorado.gov.

Attachments:

Attachment A:	Vicinity Map
Attachment B:	Draft Ordinance
Attachment C:	Draft Deed of Vacation
Attachment D:	Replacement Easement to be Dedicated

Attachment A: Vicinity Map with Zoning



Attachment B: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE VACATING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED OF VACATION FOR A PUBLIC PEDESTRIAN AND BICYCLE TRAIL EASEMENT LOCATED AT 2130 ARAPAHOE AVENUE, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER FINDS AND RECITES THAT:

A. Naropa University, a Colorado non-profit corporation, the owner of the property generally known as 2130 Arapahoe Avenue and more particularly described on Exhibit A attached hereto and incorporated herein, requested that the city vacate the public pedestrian and bicycle trail easement (“Easement”) generally located on the western property line of their property and more particularly described on Exhibit B attached hereto and incorporated herein.

B. The Easement was previously dedicated to the City pursuant to the Grant of Easement recorded in the records of the Boulder County Clerk and Recorder at Film No. 1591 and Reception No. 00999199 on the 23rd day of August, 1989 and which is shown on Exhibit B.

C. The City Council is of the opinion that the requested vacation is in the public interest and that said rights-of-way are not necessary for the public use.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

1. The City Council vacates and authorizes the city manager to execute a deed of vacation for the Easement described above.

2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

3. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 16th day of September, 2014.

Mayor

Attest:

City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this 7th day of October, 2014.

Mayor

Attest:

City Clerk

EXHIBIT A TO ORDINANCE

EXHIBIT A

LEGAL DESCRIPTION

Parcel I:

A portion of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 1 North, Range 70 West of the 6th P.M., County of Boulder, State of Colorado, described as follows: Beginning at a point which is 1006.5 feet West and 30 feet South from the Northeast corner of Section 31, Township 1 North, Range 70 West of the 6th P.M.; thence South 360 feet; thence West 203 feet; thence North 360 feet; thence East 203 feet to the Place of Beginning.

EXCEPTING THEREFROM that portion conveyed to the Regents of the University of Colorado by Deed recorded December 1, 1974 on Film 874 as Reception No. 124666.

Parcel II:

A parcel of land located in the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 31, Township 1 North, Range 70 West of the 6th P.M., described as follows: Commencing at the Southeast corner of Tract 174 (being more fully described in Deed recorded in Book 263 at Page 331), City of Boulder, Boulder County, Colorado; thence South $89^{\circ}41'$ West along the South line of said Tract 174 a distance of 100.00 feet to the TRUE POINT OF BEGINNING; thence South $89^{\circ}41'$ West a distance of 150.00 feet; thence South $0^{\circ}03'$ West a distance of 20 feet; thence North $89^{\circ}41'$ East a distance of 150.00 feet; thence North $0^{\circ}03'$ East a distance of 20.00 feet to the True Point of Beginning.

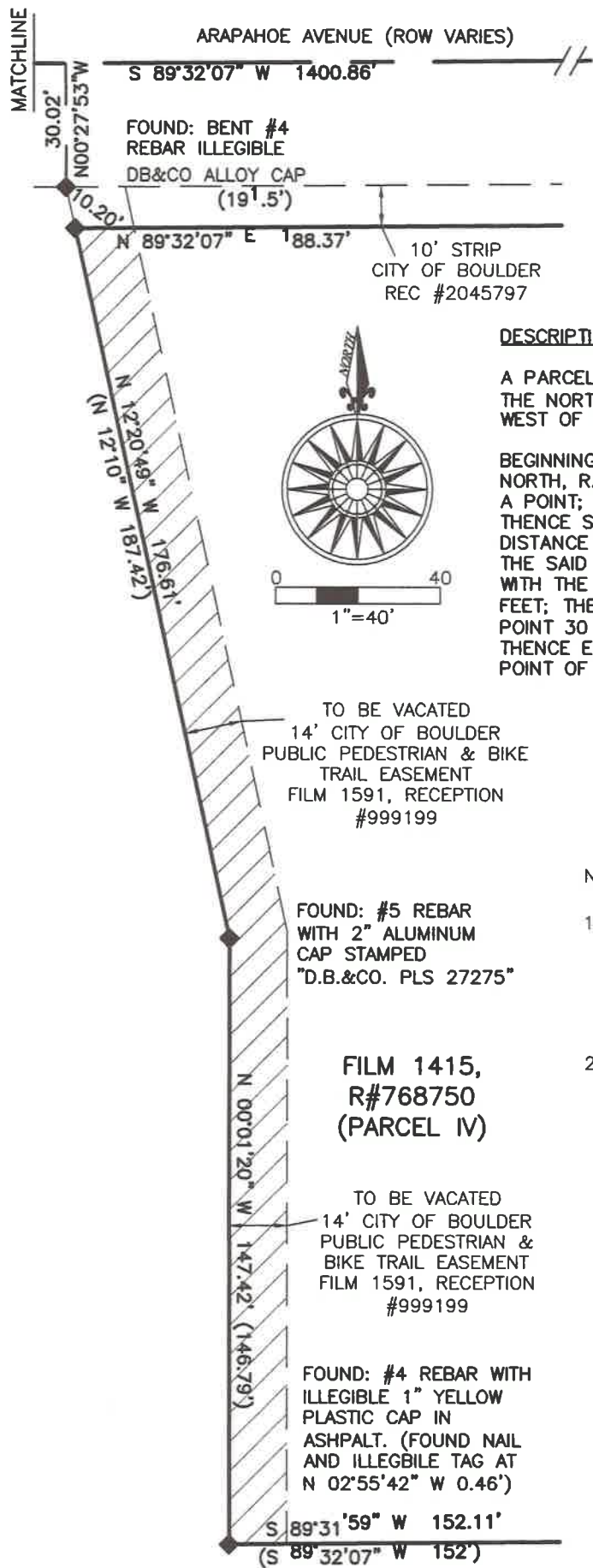
Parcel III:

Lots 1, 2, 3, 4, 5 and 6,
Block 3,
ARAPAHOE PARK ADDITION,
City of Boulder,
County of Boulder,
State of Colorado,

TOGETHER WITH that portion of vacated 23rd Street, Marine Street and alley in Block 3 all being in ARAPAHOE PARK ADDITION, as vacated by Ordinance No. 1177, dated March 1, 1927, that reverts to said land by operation of law,
County of Boulder, State of Colorado.

EXHIBIT B

VACATION OF AN EXISTING EASEMENT DESCRIBED ON FILM 1591, RECEPTION #999199 AND FOUND ON PARCEL IV AS DESCRIBED ON FILM 1415, RECEPTION #768750 LOCATED IN THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO



NE CORNER OF SECTION 31
FOUND: #5 REBAR.
WITH 2½" ALUMINUM CAP
STAMPED "CITY OF
BOULDER SEC COR" IN
MONUMENT BOX

DESCRIPTION AS IT APPEARS IN EXHIBIT A OF FILM 1591. RECEPTION #999199

A PARCEL OF LAND DESCRIBED AS THE WEST 14 FEET OF A TRACT OF LAND IN THE NORTHEAST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE WEST 1209.5 FEET, TO A POINT; THENCE SOUTH 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SAID SECTION 31 A DISTANCE OF 330 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SAID SECTION 31 A DISTANCE OF 152 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SAID SECTION 31 A DISTANCE OF 146.79 FEET; THENCE NORTH 12°10' WEST A DISTANCE OF 187.42 FEET, TO A POINT 30 FEET SOUTH OF THE NORTH LINE OF THE SAID SECTION 31; THENCE EAST A DISTANCE OF 191.5 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

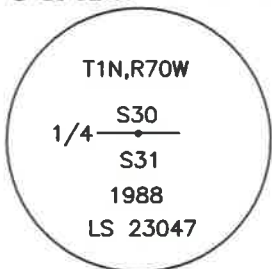
NOTES:

1. THIS EXHIBIT MAP IS ISSUED WITHOUT THE BENEFIT OF A TITLE SEARCH BY ZENITH LAND SURVEYING, INC. AT THE REQUEST OF THE CLIENT/OWNER. THERE MAY BE EASEMENTS, RIGHTS OF WAY, OR OTHER ENCUMBRANCES IN THE PUBLIC RECORD THAT MAY AFFECT THE SUBJECT PROPERTY THAT ARE NOT SHOWN ON THIS MAP.
2. THIS EXHIBIT MAP IS MEANT SOLELY TO DEPICT THE EASEMENT DESCRIBED ON FILM 1591, RECEPTION #999199. IT IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY AS DEFINED IN C.R.S. 38-51-102(13) OR A LAND SURVEY PLAT AS DEFINED IN C.R.S. 38-51-102(12).



FOUND: 3" BRASS CAP IN
CONCRETE IN MONUMENT
BOX STAMPED AS SHOWN

S 89°32'07" W 1252.03'



THIS MAP DOES NOT REPRESENT A MONUMENTED LAND SURVEY OR TITLE SEARCH PERFORMED BY ZENITH LAND SURVEYING, INC. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

**Zenith
Land
Surveying, Inc.**

1880 Hawthorn Place
Boulder, Colorado 80304
303-579-2057-Tel.
www.ZenithLS.com

SCALE: 1"=40'

JOB NO. 14009

DATE: JULY 15, 2014

PAGE 1 OF 1

Attachment C: Draft Deed of Vacation

For Administrative Purposes Only

Address: 2130 Arapahoe Ave.

Case No. LUR2014-00052

DEED OF VACATION

The City of Boulder, Colorado, does hereby vacate and release to the present owner of the land, in the manner prescribed by Section 43-2-302, C.R.S., the public pedestrian and bicycle trail easement previously dedicated to the City pursuant to the Grant of Easement recorded in the records of the Boulder County Clerk and Recorder at Film No. 1591, Reception No. 00999199 on the 23rd day of August, 1989, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The above right-of-way vacation and release of said right-of-way shall extend only to the portion and the type of easements specifically vacated. The within vacation is not to be construed as vacating any rights-of-way, easements or cross-easements lying within the description of the vacated portion of the right-of-way.

Executed this _____ day of _____, 2014, by the City Manager after having received authorization from the City Council of the City of Boulder, Colorado, pursuant to Ordinance No. _____, adopted by the City Council of the City of Boulder, Colorado.

CITY OF BOULDER, COLORADO

By: _____
Jane S. Brautigam,
City Manager

Attest:

City Clerk

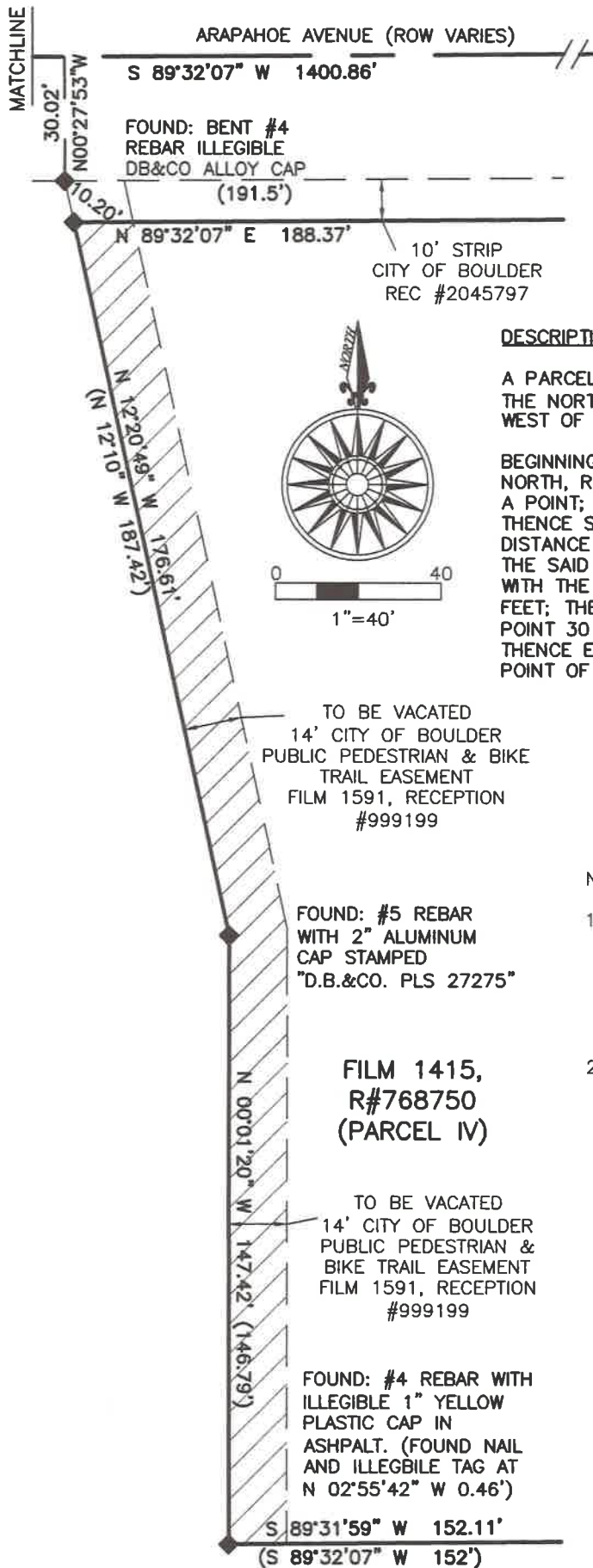
Approved as to form:

City Attorney's Office

Date

EXHIBIT A

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NE CORNER OF SECTION 31
FOUND: #5 REBAR.
WITH 2½" ALUMINUM CAP
STAMPED "CITY OF
BOULDER SEC COR" IN
MONUMENT BOX

DESCRIPTION AS IT APPEARS IN EXHIBIT A OF FILM 1591, RECEPTION #999199

A PARCEL OF LAND DESCRIBED AS THE WEST 14 FEET OF A TRACT OF LAND IN THE NORTHEAST ¼ OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

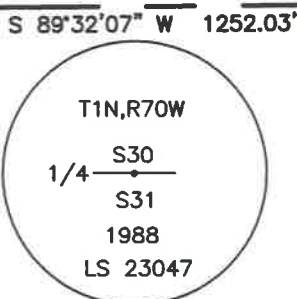
BEGINNING AT THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.; THENCE WEST 1209.5 FEET, TO A POINT; THENCE SOUTH 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE SAID SECTION 31 A DISTANCE OF 330 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SAID SECTION 31 A DISTANCE OF 152 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE SAID SECTION 31 A DISTANCE OF 146.79 FEET; THENCE NORTH 12°10' WEST A DISTANCE OF 187.42 FEET, TO A POINT 30 FEET SOUTH OF THE NORTH LINE OF THE SAID SECTION 31; THENCE EAST A DISTANCE OF 191.5 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

NOTES:

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FOUND: 3" BRASS CAP IN CONCRETE IN MONUMENT BOX STAMPED AS SHOWN



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SCALE: 1"=40'

JOB NO. 14009

DATE: JULY 15, 2014

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GRANT OF EASEMENT

See Exhibit A attached

Grantor, for itself and for its successors and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by itself or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this 10th day of June, 2014.

GRANTOR:
Naropa University,
a Colorado non-profit corporation

ATTEST

By: [Signature]
Vice President for Business
Affairs and Chief Financial Officer


Secretary

STATE OF COLORADO)
)ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this 10 day of June, 2014, by Todd Kilburen as Vice President for Business Affairs and Chief Financial Officer and Joy Valania as Secretary of Naropa University.

Witness my hand and official seal.

My commission expires: 12/07/2015

PAMELA WATERMAN
Notary Public
State of Colorado

Colorado
Dermela Wetman
Notary Public

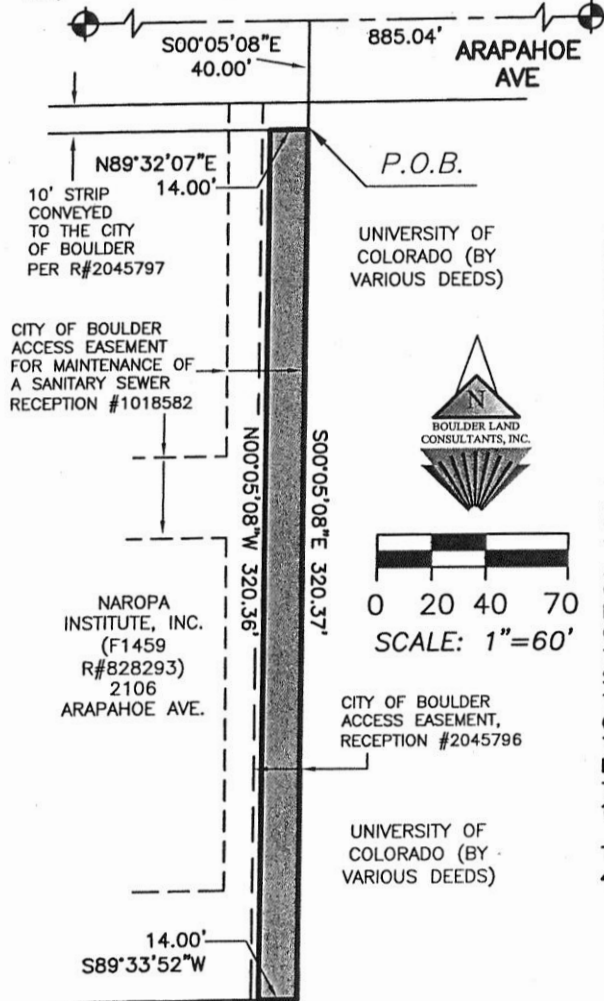
EXHIBIT A

A LEGAL DESCRIPTION AND EXHIBIT MAP OF AN EASEMENT
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, T1N, R70W OF THE 6TH P.M.,
 CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO.

N1/4 CORNER
 SECTION 31,
 T1N R70W
 (3" BRASS CAP
 IN MONUMENT
 BOX)

NE CORNER
 SECTION 31,
 T1N R70W
 (2.5" ALLOY
 CAP IN MONUMENT
 BOX)

BASIS OF BEARINGS
 NORTH LINE NE1/4 SECTION 31
 S89°32'07"W 2652.90'



LEGAL DESCRIPTION:

A STRIP OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, SAID STRIP OF LAND BEING DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 31, AS MONUMENTED BY A 2.5" CITY OF BOULDER ALLOY CAP IN MONUMENT BOX FROM WHENCE THE NORTH 1/4 CORNER OF SAID SECTION 31 AS MONUMENTED BY A 3" BRASS DISK IN MONUMENT BOX BEARS S 89°32'07" W, 2652.90 FEET (BASIS OF BEARINGS HEREIN), AS SURVEYED;
 THENCE S 89°32'07" W ALONG THE NORTH LINE OF THE NE1/4 OF SAID SECTION 31, 885.04 FEET;
 THENCE S 00°05'08" E, 40.00 FEET TO THE SOUTHEAST CORNER OF THAT STRIP OF LAND CONVEYED TO THE CITY OF BOULDER AS DESCRIBED AT RECEPTION NO. 2045797 OF THE BOULDER COUNTY RECORDS AND THE POINT OF BEGINNING;
 THENCE CONTINUING S 00°05'08" E, 320.37 FEET ALONG THE EAST LINE OF PARCEL III AS DESCRIBED ON FILM 1459 AS RECEPTION NO. 828293 OF THE BOULDER COUNTY RECORDS TO THE SOUTHEAST CORNER THEREOF.
 THENCE S 89°33'52" W ALONG THE SOUTH LINE OF SAID PARCEL III, 14.00 FEET;
 THENCE N 00°05'08" W PARALLEL TO THE EAST LINE OF SAID PARCEL III, 320.36 FEET TO A POINT ON THE SOUTH LINE OF SAID STRIP OF LAND AS DESCRIBED AT RECEPTION NO. 2045797;
 THENCE N 89°32'07" E ALONG SAID SOUTH LINE, 14.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED STRIP OF LAND CONTAINS 4485 SQUARE FEET (0.103 ACRES), MORE OR LESS.

THIS MAP WAS PREPARED BY

**BOULDER LAND
 CONSULTANTS, INC.**



5690 VALMONT RD. BOULDER, CO 80301
 (303) 443-3616
 www.BLCsurveyors.com

NOTE:

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PROJECT #113COB11
 "11311LD Naropa01_R1.DWG"
 DATE: 03/25/2014